

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS
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5 UNITED STATES) CR. NO. 04-10192-NG
6 VS.) COURTROOM NO. 2
7 CARLOS RUBEN RIVERA) 1 COURTHOUSE WAY
8 BOSTON, MA 02210
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10 SENTENCING AND FINDINGS OF FACT

11 OCTOBER 20, 2005

12 10:44 A.M.
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17 BEFORE THE HONORABLE NANCY GERTNER
18 UNITED STATES DISTRICT COURT JUDGE
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24 VALERIE A. O'HARA
25 OFFICIAL COURT REPORTER

1 A P P E A R A N C E S:

2 United States Attorney's Office, by ANTOINETTE LEONEY,
3 ASSISTANT UNITED STATES ATTORNEY, One Courthouse Way,
4 Suite 9200, Boston, Massachusetts 02210, for the United
5 States;

6 Federal Public Defender's Office, by TIMOTHY WATKINS,
7 ESQ., 408 Atlantic Avenue, Boston, Massachusetts 02210,
8 for the Defendant.

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1 THE COURT: So, Mr. Rivera, would you please rise.
2 I'm going to sentence you to a term of 18 months concurrent
3 on all counts. I believe that that factor, that that range,
4 I'm sorry, addresses the concerns of punishment, retribution
5 and deterrence after what you've gone through you will not
6 do this again. Upon your release from imprisonment, you're
7 to be on supervised release for six years. We have no
8 choice, and if you move to Texas with your family,
9 supervised release can be transferred to Texas.

10 No restitution, no fine, mandatory special
11 assessment of \$300. While you're on supervised release,
12 within 72 hours of your release from custody, you're to
13 report to the district into which you've been released, the
14 probation office there. While you're on supervised release,
15 you're not to commit another federal, state or local crime
16 or possess a controlled substance. You're to refrain from
17 the unlawful use of a controlled substance. While on
18 supervised release, there will be drug testing within 15
19 days of your release from imprisonment and at least two
20 periodic drug tests thereafter, not to exceed 104 tests per
21 year. You have to submit to a DNA sample as well. You're
22 to comply with the standard conditions. In addition, you're
23 prohibited from possessing a firearm or other dangerous
24 weapon. \$300 special assessment is due immediately. You
25 have a right to appeal. Your lawyer will tell you what that

1 consists of.

2 Mr. Watkins, do you want a recommendation for
3 where the sentence will take place?

4 MR. WATKINS: Yes, Mr. Rivera would like to go to
5 Texas and serve it there. He's asked specifically for an
6 institution, the federal medical center at Dallas, Fort
7 Worth, not that he has any medical problems, but apparently
8 they have an attached median and low security facility that
9 he could go to, so if the Bureau of Prisons was able to do
10 that.

11 THE COURT: Would the gun charge disqualify?

12 PROBATION OFFICER: That's a good question.

13 MR. WATKINS: I do not think for median security,
14 I think he probably will be median security, and they may
15 make him ineligible for low security.

16 THE COURT: Okay. I'll make that recommendation,
17 whatever the institution is, we'll look it up in Dallas,
18 Fort Worth. And as I said, when you'll get out,
19 arrangements will be made to transfer supervised release
20 supervision to Texas. That means that I won't see you again
21 which is too bad.

22 MS. LEONEY: Your Honor, for the record, the
23 government would ask that you note the government's
24 objections with respect to the Court's findings and with
25 respect to the sentencing imposed.

1 THE COURT: Thank you very much.

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6 UNITED STATES DISTRICT COURT)

7 DISTRICT OF MASSACHUSETTS)

8 CITY OF BOSTON)

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10 I, Valerie A. O'Hara, Registered Professional
11 Reporter, do hereby certify that the foregoing transcript
12 was recorded by me stenographically at the time and place
13 aforesaid in No. 04-10192-NG, In Re: United States vs.
14 Carlos Ruben Rivera and thereafter by me reduced to
15 typewriting and is a true and accurate record of the
16 proceedings.

17 In witness whereof, I have hereunto set my hand
18 this _____ day of _____, 2005.

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VALERIE A. O'HARA

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REGISTERED PROFESSIONAL REPORTER

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